

a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

[Excerpts From Biological Opinion on 2000 TAC Specifications for BSAI and GOA Groundfish Fisheries, and the AFA]

REINITIATION—CLOSING STATEMENT

This concludes formal consultation on the 2000 TAC specifications for the BSAI and GOA groundfish fisheries, and the American Fisheries Act. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or designated critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation of consultation.

The conclusions of this Biological Opinion were based on the best scientific and commercial data available during this consultation. NMFS recognizes the uncertainty in these data with respect to potential competition between the western population of Steller sea lions and the BSAI and GOA fisheries for Pacific cod. NMFS also recognizes that it has a continuing responsibility to make a reasonable effort to develop additional data (51 FR 19952). To fulfill this responsibility, NMFS has identified crucial information necessary to address this question again in one year. That information will result from analyses listed in the Conservation Recommendations. NMFS will consider the results of these studies as new information that reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion.

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CONCLUSION

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 Atka mackerel fishery, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS's biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. Barring any need for reinitiation prior to implementation of the fishery in 2003, this opinion will remain in effect until the end of calendar year 2002.

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 BSAI pollock fishery, and the cumulative effects, it is NMFS' biological opinion that the action, as proposed, is likely

ly to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat.

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After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the 1999 BSAI and GOA groundfish fisheries with the TAC levels proposed, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS' biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. This opinion is contingent upon development and implementation of a reasonable and prudent alternative to avoid jeopardy and adverse modification as found in the December 3, 1998 Biological Opinion on the BSAI and GOA pollock fisheries.

This opinion will remain in effect until the end of calendar year 1999, at which time the issue of competition between these fisheries and Steller sea lions should be re-examined. The conservation recommendations provided below include recommendations for studies to be completed in the interim period. The results of those studies should facilitate re-examination of the question of competition between these groundfish fisheries and the Steller sea lion.

Mr. STEVENS. Mr. President, there is no reason to interrupt this fishery. There is great reason to try to find out why the steller sea lion is declining. We have a massive effort to try to determine that. We will cooperate in any way we can to save this population. But we do not want to lose this massive biomass in the process.

If this trawl fishery does not continue, it will decline back to where it was before the trawl fishery was started. I think those who criticize us would do well to study the science and talk to people who know something about these steller sea lions and the fisheries, and quit listening to these extremist political people who are involved in this process, as far as the environmental groups are concerned.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. STEVENS. Mr. President, on behalf of the leader, I send a concurrent resolution to the desk providing for a conditional adjournment of Congress until November 14, 2000, and I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table. I ask that the clerk read the resolution.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report the resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 159) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives:

Resolved by the Senate (the House of Representatives concurring). That when the Senate recesses or adjourns at the close of business on Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion of-

ferred pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Monday, November 13, 2000, at 2 p.m., or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

There being no objection, the concurrent resolution (S. Con. Res. 159) was considered and agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PHYSICIAN-ASSISTED SUICIDE LAW

Mr. WYDEN. Mr. President, I am pleased this morning that the Senate thus far is functioning the way it should when it comes to new controversial matters such as my State's physician-assisted suicide law. I have been forced to filibuster the tax bill since late last week because at that time there was an effort to stuff the Nickles legislation into that package in the dead of night. This legislation troubles me greatly because I believe it will cause unnecessary suffering for patients in every corner of the country. It involves law enforcement—specifically, the Drug Enforcement Administration—in a process that is so sensitive with respect to helping patients who are suffering around our country.

This legislation has never been marked up by the committee of jurisdiction in the Senate. It has never been open to amendment by the Senate. It has not cleared even one of the traditional hurdles to which important legislation is subjected when it is introduced in the Senate.

This is legislation that has over 50 leading health organizations, including the American Cancer Society, stating that it is going to hurt pain care for the dying. It is also fair to say that the senior Senator from Oklahoma, Mr. NICKLES, has a number of organizations that support his efforts. When we have